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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/458,820	12/13/1999	WUPING DONG	FUJI-111	9320

23995 7590 02/19/2003

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EXAMINER

CHANCE, JANET D

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 02/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/458,820

Applicant(s)

DONG, WUPING

Examiner

Janet D. Chance

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 27 January 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attachment.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: _____

Claim(s) withdrawn from consideration: _____

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____


DINH X. NGUYEN
PRIMARY EXAMINER

ATTACHMETN TO ADVISORY ACTION

1. Applicant's arguments filed 27 January 2003 have been fully considered but they are not persuasive. Applicant's arguments will be addressed in the order in which they appear in the response.

(A) Applicant argues, on pages 1-2 of the 27 January response, that "In other words, according to the present invention, the client computer PC directly communicates with a computer reservation system [...] without the aid of a 'host computer' or an application program interface" (emphasis added). This argument is referring to interpretation of the claims, not specific claim language. Nowhere in the claim language is recited "directly" or "without the aid of a 'host computer' or an application program interface", therefore these arguments have no merit.

Further, the claims do explicitly recite, as reiterated by Applicant, "connecting said personal computer to the selected reservation system via the Internet". In order to connect via the Internet, one of ordinary skill in the art knows that the client PC must communicate via a web server. Therefore, the 'direct' communication interpretation by Applicant of the present invention is actually communication via a server.

In addition, the client computer PC of the present invention is claimed to store, read out, connect to Internet, transmit, receive, and generate data. These functions require some type of software resident on the client PC, similar to the application programming interface of Hunt. Therefore, the interpretation that the communication of the present invention is without a

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programming interface has no merit as the client must use some programmed interface to make the client PC perform the recited functions especially the connecting, transmitting and receiving functions in particular.

(B) Applicant argues, on page 2-3 of the 27 January 2003 response, that allegations that Applicant failed to consider all embodiments, including non-preferred embodiments fails to establish a *prima facie* case of obviousness because the modification would render the invention unsatisfactory as Hunt teaches against a client computer without server or gateway capability such as an application program interface. Examiner respectfully disagrees.

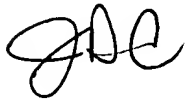
Applicant is reminded that these limitations are not explicitly recited in either claim 1 or 2 as addressed in (A) above.

Further, the fact the Hunt explicitly discloses, by Applicant's own admission, the frame relay access device using TCP/IP to communicate to the reservation system without the aid of server (14), is proof that Hunt does not teach away from the same type of 'direct communication' as the Internet communication recited in claims 1-2 nor would it destroy the system of Hunt. Explicit disclosure is the ultimate from of obviousness.

(C) Applicant argues on page 3 that Hunt's disclosure of locating the gateway application and the client application on a single computer, does not teach a client computer "having no server capability". Applicant is reminded that this limitation is not recited in either claim 1 or claim 2, and therefore this argument is not persuasive.

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(D) Applicant argues on page 3 of the 27 January 2003, response, that applicant is unclear which sentence supports the statement of “a command source sending commands to the reservation system being the client computer”. Examiner respectfully reiterates that these limitations are not recited in either claim 1 or claim 2, and as such, the explicit disclosure of Hunt in column 10, lines 18-41 that states “commands generated by the client computer” along with the other citations of all the prior office actions meet the recited limitations.

A handwritten signature in black ink, appearing to be 'JAC' or similar, located below the main text block.